



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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FCC PROPOSES STATUTORY MAXIMUM FINE OF \$550,000 AGAINST VIACOM-OWNED CBS AFFILIATES FOR APPARENT VIOLATION OF INDECENCY RULES DURING BROADCAST OF SUPER BOWL HALFTIME SHOW

Washington, D.C.: The Federal Communications Commission today issued a *Notice of Apparent Liability for Forfeiture* of \$550,000 against various subsidiaries of Viacom Inc. for apparently willfully broadcasting indecent material during the February 1, 2004 Super Bowl XXXVIII halftime show. The show contained a musical performance that concluded with Justin Timberlake pulling off part of Janet Jackson's clothing, exposing her breast.

The Commission found that this partial nudity was, in the context of the broadcast, in apparent violation of the broadcast indecency standard. It proposed the statutory maximum amount against each of the Viacom-owned CBS licensees of the 20 television stations that aired the show due to the involvement of Viacom/CBS in the planning and approval of the telecast and the history of indecency violations committed by Viacom's Infinity Broadcasting Corporation subsidiaries. Although the Commission found that other, non-Viacom owned CBS affiliates also aired the material, it did not propose forfeitures against them because of the unexpected nature of the halftime show and the apparent lack of involvement in the selection, planning, and approval of the telecast by these non-Viacom owned affiliates.

Adopted by the Commission: August 31, 2004, Notice of Apparent Liability for Forfeiture (FCC 04-209). Chairman Powell, Commissioners Abernathy, Copps, Martin and Adelstein. Chairman Powell issuing separate statement; Commissioners Copps and Martin approving in part, concurring in part and issuing separate statements; and Commissioner Adelstein approving in part, dissenting in part and issuing separate statement.

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